

(Ord. No. 93881) Adoption of UDC and Implementation Schedule.
(Ord. No. 93882) Creation of Technical Advisory Committee
(Ord. No. 95190) Clarification TAC Responsibility
(Ord. No. 96056) TAC Reappointment

ARTICLE I - PURPOSE & SCOPE

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ARTICLE 1 - PURPOSE & SCOPE

35-101 Title

This chapter shall be known and may be cited as the Unified Development code of the City of San Antonio.

35-102 General purpose and intent

The Unified Development code as established in this chapter has been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the community. It is intended to consolidate in one place and in logical order without unnecessary duplication all of the regulations pertaining to land use and development. It is designed to make it possible for all of those concerned with land use and development to have access to all city legislation with respect thereto in one convenient chapter which is capable of being published and distributed as a separate and comprehensive segment of the city code as a whole.

- (a) The zoning and land use regulations set forth in Articles 2 and 3 are designed to promote the public health, safety, morals, or general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.
- (b) The subdivision regulations set forth in Articles 4 and 5 are designed to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.
- (c) The processing procedures set forth in Article 4 are designed to consolidate the location of regulations governing the processing of permits for the development of land. The purpose is to ensure that notification and procedures comply with state, provide ample opportunity for public participation in the land development process, provide for the efficient and timely processing of development permits, and to promote the readability of the document for the general public and for applicants requesting a permit.
- (d) The development standards in Article 5 consolidate the substantive standards relating to the issuance of permits for zoning and subdivision approval in order to provide clarity and certainty in the development approval process.
- (e) Article 6 provides standards for the alteration, restoration and rehabilitation of historic structures, properties within historic districts, the modification of archaeological sites, and development activities on city-owned property, and within public rights-of-way.
- (f) Article 7 provides for the protection of legal nonconforming uses and vested rights in accordance with state and federal common and statutory law
- (g) Article 8 establishes the various administrative agencies involved in the development approval process, as well as the role of administrative and legislative bodies.
- (h) Definitions are established in Appendix "A" in order to provide guidance to readers of this code, while reserving the balance of the code for substantive standards.

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- (i) Application submittal requirements are established in Appendix "B" in order to provide guidance to applicants in the submittal of permit applications, to avoid the unnecessary expenditure of public resources for the processing of incomplete applications, and to avoid unnecessary delay in the approval of applications for development approval.

35-103 Authority

The following sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:

- Local Government code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431.
- Property code, Section 12.002.
- Water code.
- Flood Control and Insurance Act, Sections 16.311 through 16.317.
- Vernon's Annotated Civil Statutes and Article 1175.

Provisions of this chapter are adopted in the exercise of the power granted municipalities by these statutes and pursuant to the provisions of Article I, Section 3, Paragraphs 9 and 13 of the Charter of the City of San Antonio.

35-104 Applicability**(a) Generally**

This Chapter shall apply to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, manufactured home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability.

This chapter shall apply to all public buildings and private land(s), and use(s) thereon over which the city has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States, including any areas within the jurisdiction of the City pursuant to the authority recited in § 35-103, above. The department of development services (hereinafter known as the "department") of the city can be contacted for further information about the use of this code.

(b) Public Buildings, Structures and Uses

In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this chapter shall not apply to

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buildings of county, state, or federal agencies, except for those cases in which the land is not owned by the county, state, or federal agency.

The provisions of this chapter shall apply to any buildings, structures, or uses of the city or its agencies or instrumentalities including, but not limited to, the department of public works, San Antonio Water System (SAWS), and City Public Service Energy (CPS Energy).

(c) Subdivision Regulations

Subdivision and platting regulations as set out herein shall apply to all of the area within the incorporated areas of the city and the extraterritorial jurisdiction of the city's provided in Vernon's Local Government Code, Chapter 212.

(d) Zoning

Article III of this chapter (zoning) shall not apply to any use or activity exempt from zoning pursuant to VTCA Local Government code § 211.013. Unless otherwise specifically provided for in Article III, Zoning, the zoning regulations shall not apply to property belonging to or used by the City of San Antonio, City Public Service Energy and the San Antonio Water System.

(e) Edwards Aquifer

Development occurring within the recharge zone, or watersheds draining into the recharge zone, of the Edwards Aquifer, to which this chapter is applicable, must also comply with the regulations contained in Chapter 34 of the municipal code, to the extent such regulations are applicable.

35-105 Consistency with Master Plan

The master plan policies were adopted by the planning commission as Resolution Number 97-05-01 on May 14, 1997, and by the city council as Ordinance Number 86100 on May 29, 1997. The master plan policies are intended to provide guidance in the evaluation of future decisions relevant to city planning. The master plan policies do not constitute a substantive change in existing ordinances of the city neither does it supersede nor replace the Unified Development Code or any regulatory ordinance adopted prior to the adoption of the master plan policies. Any amendment to the Unified Development Code or other regulatory ordinances made necessary in order for said regulations to be consistent with the master plan policies shall be implemented pursuant to the process prescribed in the master plan policies, in lieu of any provision of this Code in apparent contradiction.

Pursuant to Tex. Local Gov't code § 211.004, this code is intended to implement the goals, objectives and policies of the *Master Plan* and is hereby deemed to be consistent and in accordance with the *Master Plan*. Any amendments to this chapter, including any rezoning approved pursuant to § 35-421 of this chapter, shall be consistent with following:

- (a)** The adopted *Master Plan*, as it may be amended from time to time, in effect at the time of such request for amendment; and

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- (b)** Any neighborhood plan adopted pursuant to § 35-420 of this chapter.

An amendment to the text of the ordinance is consistent with and in accordance with the *Master Plan* if it complies with the goals and policies stated in the *Master Plan*, as it may be amended from time to time.

Master plan elements are authorized under Article IX of the City Charter, Section 121. The Master Plan: "The commission may adopt the master plan as a whole or in parts, and may adopt any amendments thereto." Currently adopted master plan elements include those listed below.

(1) Transportation Plan/Major Thoroughfare Plan.

The Transportation Plan/Major Thoroughfare Plan was adopted by Resolution Number 78-07-02 of the planning commission on July 12, 1978 and adopted as Ordinance Number 49818 by the city council on September 21, 1978. It contains the city's transportation policies and the areawide transportation planning process and how it relates to that of the city.

(2) Land Use Plan.

The Land Use Plan was adopted by planning commission Resolution Number 83-05-04 on May 25, 1983 and by the city council on December 8, 1983, Ordinance Number 83-58-102. The Land Use Plan includes land use objectives and policies for six major components: natural resources; utility infrastructure; transportation corridors; urban form; regulatory measures; and annexation, public facilities and services.

(3) Neighborhood Planning Process.

The Neighborhood Planning Process was adopted by the planning commission as Resolution Number 82-10-01 on October 20, 1982 and by city council Ordinance Number 57068 on June 2, 1983, for the purpose of providing a vehicle whereby neighborhood residents and property owners could organize to develop a neighborhood plan suitable for official recognition by the planning commission and the city council. Neighborhood planning teams can use this process to " . . . identify issues that will affect their neighborhood's future and select actions for solving (or ameliorating) problems."

(4) Parks Plan.

Adopted by city council Ordinance Number 54605 on November 24, 1981, the Parks Plan was prepared as a joint effort between the department of parks and recreation and the department of planning. The Parks Plan is summarized by a single goal: "Every citizen of San Antonio should have the opportunity to avail themselves of quality parks and recreation facilities and services."

(5) City Water Board Master Plan.

The waterworks master plan is the "Report on Master Plan for Water Works Improvements" dated September 1981 and subsequent revisions thereof. This

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adopted plan is implemented through the "Regulations for Water Service" adopted November 20, 1984 by the Board of Trustees, on June 12, 1985 by the city planning commission, and by Ordinance Number 60959 on June 27, 1985 by the city council.

(6) Wastewater Facilities Plan.

The Wastewater Facilities Plan consists of sets of wastewater service policies and sewer extension policies. The SAWPAC report included policies which have been implemented; many have been written in the subdivision regulations.

(7) Drainage master plans.

As the city continues to define and adopt drainage master plans for specific watersheds contained in whole or in part within the city limits and its ETJ, development will be required to conform to the elements of the plan for each particular watershed. The preservation of the inherent characteristics of natural drainage features and of the natural floodplain where practical is an adopted goal of each watershed drainage plan. The guidance for the drainage master plans was provided by the drainage regulation review committee in February 1996. The first two (2) goals stated in the report are to "Ensure that stormwater management considers and provides reasonable safety from flood hazards for people and property" and to "Integrate stormwater management with natural resource enhancement and protection, compliance with environmental regulations and with creating appropriate development." The drainage master plans developed by the city for each watershed provide long-range guidance for managing the stormwater from existing and future land uses in the most efficient ways possible, with consideration for continued development, reduced flooding potential, adequate stormwater conveyance, increased aquifer recharge, water quality, habitat protection, and increased recreational opportunities.

(c) Requirements for conformity with the master plan.

This section coordinates the various citations within the Unified Code of Development Regulations that refer to the master plan. It is anticipated that with additional reference to the city's master plan and requirements for conformity, the city will see a genuine effort toward implementation of the plan and its elements.

- (1)** Preliminary overall area development plans (POADP) shall conform to the master plan.
- (2)** Subdivisions shall conform to the master plan and the parts thereof.
- (3)** The zoning regulations and districts as established in this chapter have been made in accordance with a comprehensive plan.
- (d)** The zoning commission, in those instances wherein special approval of city council is required, shall consider each such proposed use and make its recommendations to the city council with reference thereto including its recommendation, among other things, as to proper location with respect to the master plan.

35-106 Coordination with Other Regulations**(a) Generally**

The use of buildings and land within the city shall be subject to all other regulations as well as this chapter, whether or not such other provisions are specifically referenced in this chapter. References to other regulations or provisions of this chapter are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

(b) Zoning

Pursuant to VTCA Local Government code § 211.013 (Conflict With Other Laws; Exceptions), if a zoning regulation adopted under Subchapter A of Chapter 211, VTCA Local Government code (see Article III of this Chapter) requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under Article III of this chapter controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

35-107 Rules of Construction

Interpretation and application of the provisions of this chapter shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. This chapter shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms or phrases in this chapter shall be construed in accordance with Appendix "A" hereto, which is hereby incorporated by reference as if set forth in its entirety herein.

This chapter contains numerous graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the chapter. However, to the extent that there is any inconsistency between the text of this ordinance and any such graphic, picture, illustration or drawing, the text shall control unless otherwise provided in the specific section.

When the term *days* appears in this chapter relative to the technical review process for a subdivision plat or any other plat, unless specifically noted as *working days*, the term days shall be interpreted to mean *calendar days*. If the reference to *days* for a period of time less than six days, the term shall be interpreted as *working days*.

(Ord. No. 96624 § 2)

35-108 Permits and Certificates

No development activity shall occur on any property within the jurisdiction of this chapter until the applicable permit, approval and certificate for such activity have been issued and approved by the officials with the authority to approve the same pursuant to Article 4 of this chapter.

35-109 Effective Date

This chapter shall become effective at the date specified by the enabling ordinance or pursuant to the Charter of the City of San Antonio.

35-110 Severability of Chapter

If for any reason any one or more sections, sentences, clauses or parts of this chapter are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter but shall be confined in its operation to the specific sections, sentences, clauses or parts of this chapter held invalid. The invalidity of any section, sentence, clause or part of this chapter in any one or more instances shall not affect or prejudice in any way the validity of this chapter in any other instance.

35-111 Annual Updates for Amendments

The purpose of this section is to provide for annual updates to this chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

- (a) No later than May 1st of each year, any person may provide a request for amendment to this chapter to the director of development services. The request for amendment shall be labeled an "annual update request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.
- (b) Director shall not receive request for amendments after July 1st. The director shall refer the proposed amendments to various city departments, planning commission technical advisory committee (PC TAC), the planning commission, the zoning commission and the city council. The director may conduct workshops to informally discuss the annual update requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
- (c) The director of development services shall refer the annual update requests to the planning commission and/or zoning commission by October 30. The planning commission and/or zoning commission shall refer the Annual Update Request to the city council by December 1. Any amendments that are finally approved shall become effective January 1 of the following year.

(Ord. No. 98697 § 1, 5 & 6, Ord. No. 101816)

35-112 Administrative Official

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and development services shall ordinarily administer and enforce the provisions of this chapter.

(Ord. No. 93881 § 10)